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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/380,519	09/03/1999	Petri Horppu	1103326-0584	2727

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White & Case
Patent Department
1155 Avenue of The Americas
New York, NY 10036-2787

EXAMINER

MCEVOY, THOMAS M

ART UNIT	PAPER NUMBER
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3731

MAIL DATE	DELIVERY MODE
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08/13/2012

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/380,519	Applicant(s) HORPPU ET AL.	
	Examiner THOMAS MCEVOY	Art Unit 3731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2012.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1,2,5-9 and 15-18 is/are pending in the application.
- 5a) Of the above claim(s) 17 and 18 is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1,2,5-9,15 and 16 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 5-9, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Hasada (US 5,632,581).

Regarding claim 1, Hasada discloses a mounting apparatus capable of mounting an endless cord which is expandable from a contracted condition to an expanded condition onto an end of a structure having a transverse dimension greater than that of the cord when in the contracted condition, said apparatus comprising: a tapered adaptor (2) for the cord to be propelled over onto the end of the structure having a forward smaller end (22) for location in the cord in its contracted condition and a rear larger end (13) for juxtaposing with the end of the structure, said apparatus further comprising an expander device (1) movable relative to the adaptor and capable of propelling the cord over the adaptor onto the rear larger end thereof, wherein the adaptor comprises a plurality of circumferentially spaced-apart fingers (19) which extend from the rear larger end towards the forward smaller end and the expander device has a circumference and comprises a plurality of circumferentially spaced-apart arms (9) insertable between the fingers of the adaptor (Figure 11), and wherein the inner

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thickness of each arm tapers continuously in a radial direction towards the center of the circumference (Figure 6).

Regarding claim 2, the expander device is capable of operating in a first mode thereof to propel the cord over the adaptor on to the rear larger end thereof (position of expander just before it reaches point in Figure 2) and in a second mode thereof to propel the cord from the rear larger end onto the end of the structure (Figure 2).

Regarding claim 5, the adaptor and the expander device are adapted to mesh with one another to propel the cord over the adaptor to the rear larger end thereof (Figures 1 and 2).

Regarding claim 6, the thickness of the circumferentially spaced-apart fingers of the adaptor taper in a radial direction towards the forward smaller end of the adaptor (Figure 8).

Regarding claim 7, the forward smaller end of the adaptor is presented by a central member (14).

Regarding claim 8, the central member and the fingers of the adaptor are connected to one another (Figure 8).

Regarding claim 9, the expander device includes a tubular section (5) adapted to slide over the adaptor to propel the cord from the rear larger end thereof onto the end of the structure (any portion of member 5 can be considered as a tubular section).

Regarding claim 15, the device can be considered as a surgical kit.

Regarding claim 16, a screwdriver can be considered as an instrument capable of participating in a procedure to ligate body tissue (col. 6, line 42).

3. Claims 1, 2, 5, 7-9 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Oshida (US 4,480,523).

Regarding claim 1, Oshida discloses a mounting apparatus capable of mounting an endless cord which is expandable from a contracted condition to an expanded condition onto an end of a structure having a transverse dimension greater than that of the cord when in the contracted condition, said apparatus comprising a tapered adaptor (20) for the cord to be propelled over onto the end of the structure having a forward smaller end (28) for location in the cord in its contracted condition and a rear larger end (22) for juxtaposing with the end of the structure, said apparatus further comprising an expander device (10) movable relative to the adaptor to propel the cord over the adaptor onto the rear larger end thereof, wherein the adaptor comprises a plurality of circumferentially spaced-apart fingers (29) which extend from the rear larger end towards the forward smaller end (Figure 1) and the expander device has a circumference and comprises a plurality of circumferentially spaced-apart arms (formed by slits 16) insertable between the fingers of the adaptor (Figure 4), and wherein the inner thickness of each arm tapers continuously in a radial direction towards the center of the circumference (Figures 1 and 2b).

Regarding claim 2, the expander device is capable of being operated in a first mode thereof to propel the cord over the adaptor on to the rear larger end thereof (Figure 5b) and in a second mode thereof to propel the cord from the rear larger end onto the end of the structure (Figure 5c).

Regarding claim 5, the adaptor and the expander device are adapted to mesh with one another (Figure 4) to thereby be capable of propelling a cord over the adaptor to the rear larger end thereof.

Regarding claim 7, the forward smaller end of the adaptor is presented by a central member (28).

Regarding claim 8, the central member and the fingers of the adaptor are connected to one another (Figure 1).

Regarding claim 9, the expander device includes a tubular section (12) adapted to slide over the adaptor to propel the cord from the rear larger end thereof onto the end of the structure (any portion of 12 can be considered as a tubular section).

Regarding claim 15, the device can be considered as a surgical kit.

Response to Arguments

4. Applicant's arguments with respect to the pending claims have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Thomas McEvoy** whose telephone number is **(571) 270-5034**. The examiner can normally be reached on Monday-Friday, 9:00 am – 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, ***please contact the examiner's supervisor, Tom Hughes at 571-272-4357***. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If there are any inquiries that are not being addressed by first contacting the Examiner or the Supervisor, you may send an email inquiry to

TC3700_Workgroup_D_Inquiries@uspto.gov.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. M./

Examiner, Art Unit 3731

/TUAN V NGUYEN/

Primary Examiner, Art Unit 3731